

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

**AIR QUALITY PERMIT**

**Permittee Name:** Martiki Coal Corporation  
**Mailing Address:** Route #1439, Lovely, Kentucky 41231

is authorized to operate an existing Coal Preparation Plant with a Thermal Dryer located adjacent to Route #1439, approximately 9 miles west of Lovely at McClure

**Facility Name:** Martiki Coal Corporation  
**Mailing Address:** Route #1439, Lovely, Kentucky 41231

**Facility Location:** Adjacent to Route #1439, approximately 9 miles west of Lovely at McClure, Kentucky

**Permit Type:** Federally-Enforceable Title V  
**Review Type:** Title V Operating  
**Log Number:** F699  
**Permit Number:** V-97-023 (Revision 1)  
**Facility ID #:** 101-2620-0005  
**SIC Code:** 1211

**Region:** Appalachian  
**County:** Martin

**Issuance Date:**  
**Expiration Date:** January 22, 2003

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**John E. Hornback, Director**  
**Division for Air Quality**

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## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application which was determined to be administratively and technically complete, the Kentucky Division for Air Quality hereby authorizes the operation of the processing and air pollution control equipment described herein in accordance with the plans, specifications, permit application, and other information submitted by the permittee. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority. Any minor modification to the affected facilities is allowed only if it does not trigger any other requirements.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

This permit contains provisions which require that specific test methods, monitoring or recordkeeping be used as a demonstration of compliance with permit limits. However, these provisions do not shield the source from violations of the applicable requirements being established and documented through other evidence, nor does it relieve the source from its obligation to comply with the underlying emission limits or other applicable requirements being monitored.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

<b><u>Emission Point</u></b>	<b><u>Affected Facility</u></b>	<b><u>Maximum Rated Capacity</u></b>
01 (1)	Truck Dumps (2)	1400 tons per hour, each.
01 (2)	Primary Crushers (2)	1400 tons per hour, each.
01 (3)	Conveyors (2) and Transfer Points (2-42" - Raw Coal)	1400 tons per hour, each.
01 (4)	Storage Silos (2) (Raw Coal)	1000 tons per hour, each
01 (5)	Conveyor and Transfer Points (42" - Plant Feed)	1400 tons per hour.
01 (6)	Coal Preparation Plant	
01 (7)	Conveyor and Transfer Points (36" Stoker Loadout)	700 tons per hour.
01 (8)	Railcar Loadout (Stoker)	400 tons per hour.
01 (9)	Conveyor and Transfer Points (30" Refuse)	300 tons per hour.
01 (10)	Refuse Truck Loadout	300 tons per hour.
01 (11)	Conveyor and Transfer Points (36" - Thermal Dryer Feed Conveyor)	300 tons per hour.
01 (12)	Conveyor and Transfer Points (36" - Clean Coal Collecting Conveyor)	550 tons per hour.
01 (13)	Conveyor and Transfer Points (42" - Clean Coal Storage Conveyor and Transfer Chute to #2 Clean Coal Silo)	550 tons per hour.
01 (14)	Conveyor and Analyzer Sampling System	
01 (15)	Conveyor and Transfer Points (42" - Clean Coal Storage Conveyor and Transfer Chute to #1 Clean Coal Silo)	550 tons per hour.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

<u>Emission Point</u>	<u>Affected Facility</u>	<u>Maximum Rated Capacity</u>
01 (16)	Clean Coal Silos (2)	812 tons per hour, each
01 (17)	Mountain Goat Receiving Hopper	700 tons per hour.
01 (18)	Mountain Goat Hopper Feed and 48" #1 Conveyor	700 tons per hour.
01 (19)	Mountain Goat Raw Coal Crusher	700 tons per hour.
01 (20)	Conveyor and Transfer Points (Mountain Goat 36" #2 Conveyor)	700 tons per hour.
01 (21)	Conveyor and Transfer Points (Mountain Goat 36" #3 Conveyor)	600 tons per hour.
01 (22)	Mountain Goat Raw Coal Hopper	700 tons per hour.
01 (23)	Conveyor and Transfer Points (60" Loadout Conveyor)	812 tons per hour.
01 (24)	Unit Train Loadout Hopper	812 tons per hour.
01 (25)	Unit Train Loadout	812 tons per hour.
01 (26)	Unit Train Sampling System	

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 60:250, Standards of performance for coal preparation plants

**Applicable Requirements:**

- a) Pursuant to Regulation 401 KAR 60:250, the materials processed at the above listed affected facilities shall be controlled by enclosures and/or wet suppression method. Reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:
  1. Application of water on material stockpiles, and other surfaces which can create airborne dusts.
  2. Installation and utilization of hoods, fans, and fabric filters to enclose and vent the emissions from the transporting and processing of dust generating materials, or use of water sprays or other measures to suppress the dust emissions during transporting and processing.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

3. The owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater.

**Compliance Demonstration Method:**

In determining compliance with the opacity standards listed above, the owner or operator shall use Method 9, and the procedures as described in 40CFR 60.11.

**1. Operating Limitations:**

None

**Compliance Demonstration Method:**

None

**2. Emission Limitations:**

None.

**Compliance Demonstration Method:**

None.

**3. Testing Requirements:**

None.

**4. Specific Monitoring Requirements:**

Visible emissions from the above listed affected facilities shall be monitored using EPA Reference Method 9.  
See Section G, Condition (a)16.

**5. Specific Record Keeping Requirements:**

See Section F, Conditions 2 and 3.  
See Section G, Condition (a)16.

**6. Specific Reporting Requirements:**

See Section F, Conditions 6, 7, 8, and 9.  
See Section G, Condition 4.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**7. Specific Control Equipment Operating Conditions:**

- a) The control equipment (conveyor transfer points, crusher enclosures and stockpiles) shall be operated and maintained as necessary to maintain compliance with applicable requirements, in accordance with the manufacturer's specifications and/or standard operating procedures.
- b) Records regarding the maintenance and operation of the control equipment shall be maintained and made available upon request for inspection by any duly authorized representative of the Division for Air Quality.
- c) See Section E for additional requirements.

**8. State-Origin Requirements:**

**a) Operating Limitations:**

NA

**b) Emission Limitations:**

NA

**9. Alternate Operating Scenarios:**

NA

**10. Compliance Schedule**

NA

**11. Compliance Certification Requirements**

See Section F, Condition 8.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

<u>Emission Point</u>	<u>Affected Facility</u>	<u>Maximum Rated Capacity</u>
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02 (27)	Coal Fired Thermal Dryer	225 tons of coal per hour.
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**APPLICABLE REGULATIONS:**

State Regulation 401 KAR 60:250, Standards of performance for coal preparation plants.

**1. Operating Limitations:**

Amount of Coal Dried: 225 tons per hour  
Coal Burning Rate: 4 tons per hour

**Compliance Demonstration Method:**

Hourly operating rate shall be calculated from the weekly coal drying rate and hours of operation. Compliance with coal burning rate shall be demonstrated through record keeping. (See Section F, Condition 8)

**2. Emission Limitations:**

- a) Pursuant to Regulation 401 KAR 60:250, the owner or operator shall not cause to be discharged into the atmosphere the particulate emissions in excess of 0.070 g/dscm (0.031 gr/dscf) and shall not exhibit twenty percent (20%) opacity or greater based upon a six-minute average.
- b) Based on the design flowrate, the particulate matter emissions into the open air shall not exceed 18.96 lbs/hour.

**Compliance Demonstration Method:**

Compliance with the applicable standards shall be demonstrated monthly by comparing the hourly allowable emission rate (18.96 lbs/hour) with the product of the amount of coal processed (tons/hour) x uncontrolled emission factor (20 lbs/ton), x 0.002 (99.80% control equipment efficiency).

Compliance with the opacity standard shall be maintained by a daily observation of visible emissions during daylight hours.

**3. Testing Requirements:**

Upon request from Division for Air Quality, EPA Reference Method 9 shall be used to determine opacity. Reference Method 5 tests of particulate emissions from the dryer exhaust shall be performed in calendar year 2002 and the results submitted prior to or with the renewal application.

## **SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

At least 30 days prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP6027) to the Division's Frankfort office. The Protocol form shall be utilized by the Division to determine if a pretest meeting is required. The Division shall be notified of the actual test date at least 10 days prior to the tests.

### **4. Specific Monitoring Requirements:**

Visible emissions from the thermal dryer shall be monitored once annually using EPA Reference Method 9.

See Section G, Condition (a)16.

### **5. Specific Record Keeping Requirements:**

a. Records of the coal dried and hours of operation per week shall be maintained and provided for inspection by any duly authorized representative of the Division for Air Quality.

b) Opacity shall be monitored qualitatively at least once per operating day and the results recorded in a log: note color, duration, density (heavy or light), cause and corrective action taken for any abnormal visible emissions

See Section F, Conditions 2 and 3.

### **6. Specific Reporting Requirements:**

See Section F, Conditions 6, 7, 8, and 9.

See Section G, Condition 4.

**7. Specific Control Equipment Operating Conditions:** The thermal dryer shall be controlled by a wet scrubber and a mist eliminator so as to comply with the requirements as specified in State Regulation 401 KAR 60:250, Standards of performance for coal preparation plants. The wet scrubber shall be operated in accordance with the following conditions:

a) The owner or operator of any thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:

1. A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 3^{\circ}$  Fahrenheit.

2. A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 1$  inch water gage.

3. A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 5$  percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point.

4. All monitoring devices are to be recalibrated annually in accordance with procedures under 40CFR60.13(b).

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

5. The pressure drop across the wet scrubber shall be no less than 14 inches of water.
6. The scrubbing liquid (water) flow rate shall be no less than 800 gallons per minute.
7. Any deviation from the permit limits must be explained in the semiannual report.
8. See Section E for further requirements
9. The exit temperature of the thermal dryer gas stream shall be no less than 126 degrees fahrenheit except during startup and/or malfunction.
10. The water supply pressure to the control device shall be no less than 6 p.s.i.

**8. State-Origin Requirements:**

**a) Operating Limitations:**

NA

**b) Emission Limitations:**

NA

**9. Alternate Operating Scenarios:**

NA

**10. Compliance Schedule:**

NA

**11. Compliance Certification Requirements:**

See Section F, Condition 8.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

<u>Emission Point</u>	<u>Affected Facility</u>	<u>Maximum Rated Capacity</u>
03      (28)	Haul Road & Yard Area	

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 63:010, Fugitive Emissions

**Applicable Requirements:**

- a) Pursuant to Regulation 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:
  1. Application and maintenance of asphalt, water, or suitable chemicals on haul roads and other surfaces which can create airborne dusts.
  2. Pursuant to Regulation 401 KAR 63:010, Section 3, discharge of visible fugitive emissions beyond the property line is prohibited.

**1. Operating Limitations:**

None

**Compliance Demonstration Method:**

None

**2. Emission Limitations:**

None.

**Compliance Demonstration Method:**

None.

**3. Testing Requirements:**

None.

**4. Specific Monitoring Requirements:**

See Section G, Condition (a)16.

**5. Specific Record Keeping Requirements:**

None.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**6. Specific Reporting Requirements:**

None.

**7. Specific Control Equipment Operating Conditions:**

- a) The control equipment (haul road & yard area) shall be operated and maintained as necessary to maintain compliance with applicable requirements, in accordance with the manufacturer's specifications and/or standard operating procedures.
- b) Records regarding the maintenance and operation of the control equipment shall be maintained and made available upon request for inspection by any duly authorized representative of the Division for Air Quality.
- c) See Section E for additional requirements.

**8. State-Origin Requirements:**

**a) Operating Limitations:**

NA

**b) Emission Limitations:**

NA

**9. Alternate Operating Scenarios:**

NA

**10. Compliance Schedule**

NA

**11. Compliance Certification Requirements**

See Section F, Condition 8.

**SECTION C - INSIGNIFICANT ACTIVITIES**

None

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## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

Particulate and visible opacity emissions, as measured by methods referenced in State Regulation 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

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## **SECTION E - CONTROL EQUIPMENT CONDITIONS**

1. Pursuant to State Regulation 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the cabinet which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. All fugitive emissions shall be controlled in accordance with State Regulation 401 KAR 63:010, Fugitive emissions.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a) Date, place as defined in this permit, and time of sampling or measurements.
  - b) Analyses performance dates;
  - c) Company or entity that performed analyses;
  - d) Analytical techniques or methods used;
  - e) Analyses results; and
  - f) Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained at the source authorized by this permit for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. The permittee shall perform compliance certification and recordkeeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 50:035, Permits, Section 6.
4. The permittee shall allow the Cabinet or authorized representatives to perform the following:
  - a) Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b) Have access to and copy, at reasonable times, any records required by the permit:
    - i) During normal office hours, and
    - ii) During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c) Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency; and
  - d) Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

5. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
6. Records of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division's Hazard Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Director in accordance with the requirements of State Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of State Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with State Regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Division for Air Quality's Hazard Regional Office by telephone as promptly as possible any deviation from permit requirements, including those due to malfunctions, unplanned shutdowns, ensuing startups, or upset conditions. Pursuant to State Regulation 401 KAR 50:035, Section 7(1)(e), the notification shall describe the probable cause of the deviations and corrective actions or preventive measures taken.
8. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall annually complete and return a Compliance Certification Form (DEP 7007CC) to the Division's Hazard Regional Office in accordance with the following requirements:
  - a) Identification of each term or condition of the permit that is the basis of the certification;
  - b) The compliance status regarding each term or condition of the permit;
  - c) Whether compliance was continuous or intermittent; and
  - d) The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to State Regulation 401 KAR 50:035, Section 7(1)(c),(d), and (e).
  - e) The certification shall be postmarked by the thirtieth (30th) day following the applicable permit issuance anniversary date.
9. In accordance with State Regulation 401 KAR 50:035, Section 23, the permittee shall report all information necessary to determine its subject emissions.

## **SECTION G - GENERAL CONDITIONS**

### **(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of State Regulation 401 KAR 50:035, Permits, Section 7(3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to State Regulation 401 KAR 50:035, Section 12(2)(c)3;
  - b) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
  - c) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.
6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in State Regulation 401 KAR 50:038, Section 3(6).
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
11. This permit shall not convey property rights or exclusive privileges.
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed compliance with the specially identified applicable requirements as of the date of issuance of this permit.
16. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
  - a. Pursuant to State Regulation 401 KAR 50:055, General Compliance requirements, Section 2(5), all air pollution control equipment and all air pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1.
  - b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and non routine maintenance performed on each control device.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

### **(b) Permit Expiration and Reapplication Requirements**

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division.
2. All previous permits issued to this source at this location are hereby null and void.

### **(c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee and an application for an administrative amendment has been submitted to the permitting authority prior to the transfer.

### **(d) Acid Rain Program Requirements**

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

### **(e) Emergency Provisions**

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - i) An emergency occurred and the permittee can identify the cause of the emergency;
  - ii) The permitted facility was at the time being properly operated;
  - iii) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

- iv) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e), and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
- 2. Emergency conditions listed in General Condition (e)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
- 3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

### **(f) Risk Management Provisions**

None

### **(g) Ozone depleting substances**

- 1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the record keeping requirements pursuant to 40 CFR 82.166.
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- 2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.